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9 *Attorneys for U.S. Bank National Association, not in*
10 *its individual capacity but solely as Trustee of NRZ*
11 *Recovery Trust and Ditech Financial, LLC*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 CHARLES S. GARNER, and CATHY J.
GARNER, husband and wife,

15 Plaintiff,

16 vs.

17 DITECH FINANCIAL, LLC, a Delaware
Limited Liability Company, BENEFICIAL
18 MORTGAGE CO. OF NEVADA; U.S. BANK
NATIONAL ASSOCIATION, NOT IN ITS
19 INDIVIDUAL CAPACITY BUT SOLELY AS
TRUSTEE OF NRZ RECOVERY TRUST; and
20 all persons unknown, claiming any legal or
equitable right, title, estate, lien, or interest in the
21 property described in the complaint adverse to
plaintiffs' title, or any cloud on plaintiffs' title
22 hereto, named as DOES 1 through 50, inclusive,

23 Defendants.

Case No. 3:20-cv-00704-MMD-WGC

24 **STIPULATION AND ORDER TO STAY**
25 **PROCEEDINGS**

26 **(SECOND REQUEST)**

27 Charles S. Garner and Cathy J. Garner (the **Garners**) and defendant U.S. Bank National
28 Association, not in its individual capacity but solely as Trustee of NRZ Recovery Trus stipulate to
stay the current litigation. The parties are in the process of evaluating whether settlement of the
claims in this litigation is possible.

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Charles S. Garner v. Ditech Financial, LLC et al.,
3:20-cv-00704-MMD-WGC

The current settlement offer requires the Garners to place the subject property for sale, with a close of escrow date by September 30, 2021. Given the possibility of settlement in this case, including the proposed close of escrow date by September 30, 2021, the parties request a brief stay of the proceedings to allow the parties to continue to explore settlement without incurring additional fees and costs for continued litigation.

Accordingly, the parties stipulate to stay further proceedings in the case until September 30, 2021. The parties anticipate either: 1) filing a stipulation and order for dismissal at the conclusion of the stay; or 2) preparing a joint status report to reset the discovery/dispositive motion deadlines if the parties cannot settle the case by September 30, 2021.

DATED this 21st day of July, 2021.

AKERMAN LLP	THE LAW OFFICE OF CAROLE M. POPE
<p><u>/s/ Natalie L. Winslow</u> ARIEL STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134</p> <p><i>Attorneys for U.S. Bank National Association, not in its individual capacity but solely as Trustee of NRZ Recovery Trust and Ditech Financial, LLC</i></p>	<p><u>/s/ Carol M. Pope</u> CAROLE M. POPE, ESQ. Nevada Bar No. 3779 301 Flint St. Reno, NV 89501</p> <p><i>Attorneys for Charles S. Garner and Cathy J. Garner</i></p>

ORDER

IT IS SO ORDERED:



UNITED STATES DISTRICT COURT JUDGE
 Case No. 3:20-cv-00704-MMD-WGC

DATED: 7/22/2021

AKERMAN LLP

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